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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2878 OF 2018

Mandodari @ Mainabai Haridas BhiseApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. M.V. Thorat, Advocate for the Applicant.

Mrs Rutuja Ambekar, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 17th December,2018.

P.C.:-

1 This is an Application under Section 439 of Cr.P.C. for bail in CR No 628/2018 dated 24/8/2018 registered with Mohol Police Station, Solapur under Sections 304-B, 498-A, 323, 504 read with section 34 of the Indian Penal Code.

2 Heard the learned Counsel for the applicant and the learned APP. Perused the record annexed to the application.

3 The name of deceased is Smt. Anuradha Khandu Bhise. The date and time of alleged incident is 16th August, 2018 between 10:00 a.m. to 12:30 p.m. The applicant is mother-in-law of deceased.

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4 The first information report is lodged by the brother of deceased on 24/8/2018. The record indicates that when the deceased was initially admitted to Muley Hospital, Solapur, her dying declaration was recorded immediately on 16/8/2018, wherein she had narrated a case of bursting of a stove while cooking food due to which she got engulfed in the flames. It is also stated that, at that time the applicant herein tried to extinguish the fire by putting a blanket on the person of the deceased. It appears from the record after the death of Anuradha on 23/8/2018, the present crime is registered on 24/8/2018 by the informant stating that on 20/8/2018 the deceased had given a oral dying declaration to him about instigation by the applicant and her husband to commit suicide. Thus, there are two dying declarations on record narrating two different versions.

5 The applicant is aged about 73 years. The applicant is in jail since 25/8/2018. It appears that the investigation of the present crime is completed and if not the stage under section 167 (2) of Cr.P.C. has already reached.

6 In view of the above, the Applicant can be released on bail.

Hence, the following order:-

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- a) The Applicant be released on bail in CR No. 628 of 2018 dated 24/8/2018 registered with Mohol Police Station, District Solapur on her furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) After her release from Jail, the Applicant shall attend Mohol Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial, if police files final report.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)